

REMARKS

Claims 1-2, 7-8, 12-18, 20-22, 24 and 26-27 are pending and stand rejected. In view of the amendments made herein and the remarks that follow, the Examiner's reconsideration and withdrawal of the rejections are respectfully requested.

Information Disclosure Statement

The Office Action states that Applicant's IDS filed July 28, 2006, lacked a statement under 37 C.F.R. §1.97(e). Applicant respectfully submits that the Statement under 37 C.F.R. §1.97(e) was submitted to the Office on September 26, 2006. A copy of the Statement and the PTO's post-card receipt are attached as Exhibit A. Applicant respectfully requests the Examiner's consideration of the IDS.

Claim Rejection Under 35 U.S.C. §112, First Paragraph

The Examiner's rejection of claims 7, 24 and 26 under the first paragraph of § 112, should be reconsidered and withdrawn. Applicant respectfully submits that the amendments made herein render the § 112 rejection moot. Reconsideration and withdrawal of the § 112 rejection are respectfully requested.

Claim Objection

In view of the amendments made herein, Applicant respectfully submits that the Examiner's objection to claims 1 and 14 is now overcome.

Anticipation Rejection

Claims 1-2, 8, 13-17, 20, 22 and 27 stand rejected as allegedly anticipated by Tamura (Publication No. 2002/0130326A1). The rejection should be reconsidered and withdrawn.

At Fig. 4, the specification shows LED 400 formed on an upper surface of transparent substrate 410. Fig. 4 also shows photodetector 460 mounted on a lower surface of substrate 410 to measure light emitted through the substrate. Thus, the transparent substrate is interposed between the LED and the photodetectors. See also, paragraph 20 of the Specification.

As amended, claim 1 recites: "a plurality of light emitting devices disposed over a transparent substrate, the transparent substrate having an upper surface proximal to the light emitting device, a lower surface distal from the light emitting device and . . . at least one photodetector arranged on the lower surface of the transparent substrate."

Tamura fails to anticipate claim 1. Referring to Figs. 2A and 2B, Tamura shows LED 8 and photodetector 9 formed on substrate 7. Transparent layer 10 covers substrate 7, LED 8 and photodetector 9. Tamura does not disclose interposing a transparent layer between LED 8 and the photodetector 9. For at least this reason, claim 1 and all of its dependent claims are patentable over Tamura.

Each of independent claims 14 and 22 has been amended to contain a similar recitation to claim 1. For this reason, Tamura does not anticipate independent claims 14 and 22 or any claim depending therefrom.

Reconsideration and withdrawal of the anticipation rejection over Tamura are respectfully requested.

Obviousness Rejection

Each of dependent claims 18, 12 and 21 stands rejected as allegedly unpatentable over Tamura in combination with a secondary reference. Because each of the rejected claims depends from an otherwise patentable independent claim, additional reasons for patentability will not be proffered.


Reconsideration and withdrawal of the obviousness rejections are respectfully requested.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance. A notice to this effect is respectfully requested.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,


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